



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/738,871	12/15/2000	Jay M. Short	DIVER1280-6

CONFIRMATION NO. 9780

## FORMALITIES LETTER

GRAYCARY. TECHNOLOGY'S LEGAL EDGE  
4365 Executive, Suite 1600  
San Diego, CA 92121-2189

RECEIVED



\*OC000000005799004\*

MAR 01 2001

GRAYCARY/GT PATENT

Date Mailed: 02/26/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1176.
  - \$936 for 52 total claims over 20.
  - \$240 for 3 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2016.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/04/2001 AGDITON 00000021 09738871  
01 FC:201 355.00 0P  
02 FC:205 65.00 0P  
03 FC:203 468.00 0P  
04 FC:202 120.00 0P



11-1A  
Sector #

PATENT  
Attorney Docket No.: DIVER1280-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay M. Short et al. Art Unit: 1645  
Application No.: 09/738,871 Examiner: Unassigned  
Filed: December 14, 2000  
Title: HIGH THROUGHPUT SCREENING FOR A BIOACTIVITY OR BIOMOLECULE

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**TRANSMITTAL LETTER**

Transmitted herewith for filing regarding the above-identified patent application, please find the following:

- (1) Response to Notice to File Missing Parts (2 pages);
- (2) Notice to File Missing Parts (1 page);
- (3) Executed Declaration (3 pagees);
- (4) Power of Attorney by Assignee (2 pages);
- (5) Request for Corrected Filing Receipt (2 pages);
- (6) Express Mail receipt number EL476994444US;
- (7) Declaration of Mikhail Bayley (1 page);
- (8) Copy of Filing Receipt (4 pages);
- (9) Check in the amount of \$1008.00; and

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, April 25, 2001, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Yiniana Noya	
Name of Person Mailing Paper	
Signature	4-25-01
	Date

In re Application of:  
Jay M. Short et al.  
Application No.: 09/738,871  
Filed: December 15, 2000  
Page 2

PATENT  
Attorney Docket No.: DIVER1280-6

(10) Return postcard.

A check in the amount of \$1008.00 is enclosed (\$943.00 for the filing fee; \$65.00 for surcharge for filing late declaration). The Commissioner is hereby authorized to charge the amount of any other fees, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: \_\_\_\_\_

4/25/01



Lisa A. Haile, J.D., Ph.D.

Registration No.: 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP

4365 Executive Drive, Suite 1600

San Diego, California 92121-2189

**USPTO Customer Number 28213**

Gray Cary\GT\6232503.1

104659-17



PATENT  
Attorney Docket No.: DIVER1280-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay M. Short et al. Art Unit: 1645  
Application No.: 09/738,871 Examiner: Unassigned  
Filed: December 14, 2000  
Title: HIGH THROUGHPUT SCREENING FOR A BIOACTIVITY OR  
BIOMOLECULE

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts of Application mailed February 26, 2001,  
enclosed are:

1. A copy of the Notice to File Missing Parts of Application (2 pages);
2. An executed Declaration For Patent Application (3 pages);
3. Power of Attorney by Assignee (2 pages);
4. Check in the amount of \$1008.00;
5. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, April 25, 2001, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Name of Person Mailing Paper	<i>Yinia Nafar</i>
Signature	<i>[Signature]</i>
	Date 4-25-01

In re Application of:  
Jay M. Short et al.  
Application No.: 09/738,871  
Filed: December 15, 2000  
Page 2

PATENT  
Attorney Docket No.: DIVER1280-6

Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee has been calculated as follows.

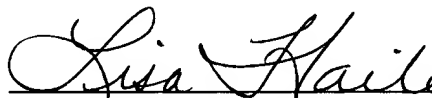
	Number Filed			Number Extra		Rate		Fee	
						Large Entity	Small Entity	Small Entity	Large Entity
Total Claims	72	-20	=	52	X	\$18	\$09	=	\$ 0.00
Independent Claims	6	-3	=	3	X	\$80	\$40	=	\$ 120.00
Multiple Dependent Claims Presented: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						\$270	\$135		\$ 0.00
						BASIC FEE		\$710.00	\$ 355.00
						TOTAL FEE		\$ 0.00	\$ 943.00

Enclosed is a check in the total amount of \$1008.00; which consists of \$943.00 for the filing fee and 65.00 surcharge fee for missing parts of the application. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date:

4/25/01



Lisa A. Haile, J.D., Ph.D.

Registration No.: 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP

4365 Executive Drive, Suite 1600

San Diego, California 92121-2189

USPTO Customer Number 28213

Gray Cary\GT\6232503.1  
104659-17

Gray Cary\GT\6235046.1  
104703-990000



PATENT  
Attorney Docket No.: DIVER1280-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay M. Short et al. Art Unit: 1645  
Application No.: 09/738,871 Examiner: Unassigned  
Filed: December 14, 2000  
Title: HIGH THROUGHPUT SCREENING FOR A BIOACTIVITY OR  
BIOMOLECULE

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**REQUEST FOR CORRECTION OF FILING RECEIPT**

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

The filing date needs to be corrected from December 15, 2000 to **December 14, 2000**. A copy of the following documents show the correct filing date to be December 14, 2000:

1. Express Mail receipt number EL476994444US; and
2. The Declaration of Mikhail Bayley, who delivered the application to the U.S. Post Office on December 14, 2000.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, April <u>25</u> , 2001, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Name of Person Mailing Paper	<i>Vincent Nafar</i>
Signature	<i>[Signature]</i>
	Date <u>4-25-01</u>

In re Application of:  
Jay M. Short et al.  
Application No.: 09/738,871  
Filed: December 15, 2000  
Page 2

PATENT  
Attorney Docket No.: DIVER1280-6

Applicants accordingly request the correction be made of record and a corrected filing receipt be issued.

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: \_\_\_\_\_

4/25/01



Lisa A. Haile, J.D., Ph.D.  
Registration No.: 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, California 92121-2189  
**USPTO Customer Number 28213**  
Gray Cary\GT\6232503.1  
104659-17



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/738,871	12/15/2000- 12/14/00	1645	0.00	DIVER1280- 6	5	72	6

CONFIRMATION NO. 9780

## FILING RECEIPT

GRAYCARY. TECHNOLOGY'S LEGAL EDGE  
4365 Executive, Suite 1600  
San Diego, CA 92121-2189

RECEIVED



\*OC000000005799003\*

MAR 01 2001

GRAYCARY/GT PATENT

Date Mailed: 02/26/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Jay M. Short, Rancho Santa Fe, CA;  
Martin Keller, San Diego, CA;

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 09/685,432 10/10/2000  
WHICH IS A CIP OF 09/444,112 11/22/1999  
WHICH IS A CIP OF 09/098,206 06/16/1998 PAT 6,174,673  
WHICH IS A CIP OF 08/876,276 06/16/1997

## Foreign Applications

If Required, Foreign Filing License Granted 02/24/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

SMALL ENTITY  
Title

High throughput screening for a bioactivity or biomolecule



**Preliminary Class**  
435

---

**Data entry by : LEE, LINA**

**Team : OIPE**

**Date: 02/26/2001**

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231



PATENT  
ATTORNEY DOCKET NO. DIVER1280-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short and Keller                      Art Unit: Unassigned  
Serial No.: Unassigned                      Examiner Unassigned  
Filed: December 14, 2000  
Title: HIGH THROUGHPUT SCREENING FOR A BIOACTIVITY OR  
BIOMOLECULE

**Box Patent Application**  
Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF MAILING BY "EXPRESS MAIL"**

I Mikhail Bayley declare as follows:

1. I reside at 4551 West Talmadge Drive; San Diego, CA 92103 and am an employee of Gray Cary Ware & Freidenrich LLP, 4365 Executive Drive, Suite 1600, San Diego, CA 92121-2189.
2. On December 14, 2000, I deposited in the mail, "Express Mail Post Office to Addressee" service of the United States Postal Service the contents of the envelope for which "Express Mail" receipt No. **EL476994444US** was issued addressed to: **Box Patent Application**, Commissioner for Patents, Washington, D.C. 20231.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patents issued thereon.

Date: 12/14/2000

Mikhail Bayley

**EL476994444US**